

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 286

September 12, 1996, 9:51 am
Page S-10353 Temp. Record

TREASURY APPROPRIATIONS/Travel Office Employees

SUBJECT: Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1997 . . . H.R. 3756.
Reid/Levin/Biden modified amendment No. 5256.

ACTION: AMENDMENT REJECTED, 46-52

SYNOPSIS: As reported, H.R. 3756, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1997, will provide \$23.5 billion in new budget authority (BA) for the Department of the Treasury, Postal Service, Executive Office of the President, and various independent agencies. This amount is \$324 million more than the amount provided in FY 1996, \$175 million more than the amount provided in the House-passed bill, and \$1.36 billion less than requested by President Clinton.

The Reid/Levin/Biden modified amendment would amend the section that will require the reimbursement of the legal fees of former White House Travel Office employees who were accused of wrongdoing by the White House and fired because the White House wanted to give their jobs to relatives and friends of the Clintons. Seven employees were fired. The White House had the Justice Department launch an extensive investigation. The head of the Travel Office, Billy Dale, was charged with embezzlement. A jury took less than 2 hours to acquit him of all charges. His legal fees were \$450,000. The other employees were not charged, but were heavily investigated. Their legal fees together totalled \$200,000, of which \$150,000 has been reimbursed by the Government. This bill will reimburse Billy Dale and will finish reimbursing the other employees. The Reid amendment would forbid reimbursement for anyone who had been charged with a crime (only Billy Dale was charged) unless the Court of Claims found that charges should not have been brought.

Those favoring the amendment contended:

In an effort to embarrass the President and First Lady, a provision has been included in this bill that will require the reimbursement of the former head of the White House Travel Office, Billy Dale, for his legal fees. Officials at the White House have admitted that

(See other side)

YEAS (46)		NAYS (52)		NOT VOTING (2)	
Republicans (0 or 0%)	Democrats (46 or 100%)	Republicans (52 or 100%)	Democrats (0 or 0%)	Republicans (1)	Democrats (1)
Akaka	Inouye	Abraham	Helms	Smith- ²	Pryor- ⁴
Baucus	Johnston	Ashcroft	Hutchison		
Biden	Kennedy	Bennett	Inhofe		
Bingaman	Kerrey	Bond	Jeffords		
Boxer	Kerry	Brown	Kassebaum		
Bradley	Kohl	Burns	Kempthorne		
Breaux	Lautenberg	Campbell	Kyl		
Bryan	Leahy	Chafee	Lott		
Bumpers	Levin	Coats	Lugar		
Byrd	Lieberman	Cochran	Mack		
Conrad	Mikulski	Cohen	McCain		
Daschle	Moseley-Braun	Coverdell	McConnell		
Dodd	Moynihan	Craig	Murkowski		
Dorgan	Murray	D'Amato	Nickles		
Exon	Nunn	DeWine	Pressler		
Feingold	Pell	Domenici	Roth		
Feinstein	Reid	Faircloth	Santorum		
Ford	Robb	Frahm	Shelby		
Glenn	Rockefeller	Frist	Simpson		
Graham	Sarbanes	Gorton	Snowe		
Harkin	Simon	Gramm	Specter		
Heflin	Wellstone	Grams	Stevens		
Hollings	Wyden	Grassley	Thomas		
		Gregg	Thompson		
		Hatch	Thurmond		
		Hatfield	Warner		

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

their actions in that case were improper. They fired the 7 employees of the travel office in a very insensitive manner, and they gave the appearance of interfering in the investigation to determine the extent to which those employees engaged in illegal activities. The White House had thought that the employees were guilty of embezzlement. The investigation that was conducted led only to charges being filed against the head of that office. Therefore, it is wholly appropriate to reimburse the six employees who were not charged. However, it is not appropriate to reimburse Billy Dale. The actions of the White House aside, law enforcement agents acted appropriately in the investigation and prosecution of Billy Dale. In fact, his lawyers never said that the charges should not be brought. Frankly, we wonder why he was not convicted. He regularly deposited travel office funds from foreign press organizations into his own personal bank account, and that when he did the checks were usually from foreign sources which are difficult to trace. Further, we know that he was willing to plea bargain to one count against him in return for the other charges being dropped. In other words, he admitted his guilt. Congress has reimbursed people before who have incurred legal expenses as a result of being investigated, but it has never reimbursed someone for expenses they have incurred defending themselves in court against legitimate charges. We should not be setting this precedent. The proper course would be to have the Court of Claims review the facts to decide if it was right to bring charges. If it decided that it was right, then no payment should be made. The Reid/Levin amendment would follow that course, and thus deserves our full support.

Those opposing the amendment contended:

Cases are sent to the Court of Claims when there is dispute as to the facts of a case. The facts in this case are not in dispute. Reimbursement for Billy Dale's legal expenses should sail through the Senate by unanimous consent as a matter of simple human decency, but instead our Democratic colleagues have proposed this amendment as a delaying tactic, and have engaged in the type of extremely disreputable character assassination that was once reserved for attacking communists or suspected witches. The full power of the presidency of the United States was brought to bear against Billy Dale, whose sole crime was that he was in a nonpartisan government position that the Clinton Administration wanted to give to friends and family of the Clintons. Instead of simply admitting that it wanted the White House Travel Office jobs to go to friends and family, which was its right, the White House instead fired everyone in the office and claimed they were corrupt. After firing everyone, it pressured the FBI, the IRS, and the Justice Department to conduct a relentless investigation of the employees and it continued a baseless and very public smear campaign against these people, many of whom had worked for decades for Presidents of both parties. Eventually, only Billy Dale was accused of any crimes, but the trumped-up charges against him were dismissed by a jury in less than 2 hours, which is the amount of time that it usually takes a jury just to organize.

Some Democratic Senators are now saying that they do not believe the jury and they do not want to give reimbursement. They say they want the Court of Claims to review the case to determine if it was appropriate to bring charges against Billy Dale. In response, there have already been 4 separate reviews, plus Congress has debated the matter extensively (see vote No. 109 for a Travelgate chronology). We do not need yet another review of how the White House callously used the full weight of Federal law enforcement in an effort to destroy one average American citizen. The White House was acting to destroy Billy Dale because it knew that the President would gain political cover for the firing of the travel office employees if it could get a conviction, any conviction, against any of those employees. All politicians, at times, take actions that are intended to serve partisan advantage, but there have to be limits to those actions. Many House Democrats, including very liberal Members such as Representative Barney Frank, understand that the White House went much too far in its attacks against Billy Dale and the other employees of the White House Travel Office. They strongly support the reimbursement of his legal expenses.

Senate Democrats, though, are continuing the character assassination. During this debate, they have tried to retry the case against Mr. Dale on the Senate floor. They have repeated only the arguments that were made by the prosecution in the trial of Mr. Dale, and they have disreputably repeated details of a plea bargain that Mr. Dale offered. Making matters worse, they have misrepresented the terms of that plea bargain to make it appear as though he admitted embezzlement. The part of that plea bargain which they did not mention is that he specifically refused to admit embezzlement because he was guilty of no such thing. Further, he only made that plea because he was being continually harassed by law enforcement agencies, his legal fees were mounting, and the White House was constantly hanging him in the press. A plea bargain proposal was made to end the witch hunt, not because he was guilty of anything. Under Justice Department rules, and as a normal practice of legal ethics, plea bargain agreements are confidential. Nevertheless, our supposedly reputable law enforcement agencies obviously leaked the details of this plea bargain proposal to the White House and our colleagues are now publicly discussing selected parts of that proposal to make half-truth character assassinations.

We are disgusted by the attacks by our colleagues. We were not making an issue of this matter; if they had not offered an amendment this provision to provide reimbursement would have passed without comment. Unfortunately, Senate Democrats are not showing the same basic decency that House Democrats have shown. It is time for the harassment of Billy Dale to stop. The Reid/Levin amendment should be resoundingly rejected.